

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Chapter 13  
STEVEN S. AND DEBORAH :  
BEBKO, :  
Debtor. : Bankruptcy No. 17-12728 amc  
:

**RESPONSE TO OBJECTION TO ALLOWANCE OF CLAIM 4 FILED BY  
DEPARTMENT OF THE TREASURY – INTERNAL REVENUE SERVICE**

THE UNITED STATES OF AMERICA, on behalf of its agency, the Internal Revenue Service (the IRS), moves that the debtor's objection to the IRS's claim be denied. In support thereof, the United States alleges:

1. The debtor filed this bankruptcy petition on April 19, 2017.
2. The Internal Revenue Service filed an amended proof of claim for federal taxes on October 3, 2017, setting forth a secured claim of \$27,230, unsecured priority claims of \$40,373.77 and unsecured general claims (including interest) totaling \$17,629.10. Exhibit A – Amended Proof of Claim 4-4.
3. The debtor filed an objection to the IRS's claim on October 17, 2017.
4. The debtor argues in his objection that there is insufficient collateral to support IRS's secured claim of \$27,230.
5. IRS secured claim is based on unpaid tax liabilities compared to the amount of all personal property the debtor lists on his Bankruptcy Schedules.
6. IRS's claim is proper under 11 U.S.C. § 506(a).

WHEREFORE, the United States respectfully requests that the debtor's objection be denied.

Respectfully submitted,

LOUIS D. LAPPEN  
Acting United States Attorney

/s/ Charlene Keller Fullmer[for]

MARGARET L. HUTCHINSON  
Assistant United States Attorney  
Chief, Civil Division

/s/ Anthony St. Joseph  
ANTHONY ST. JOSEPH  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
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[Anthony.stjoseph@usdoj.gov](mailto:Anthony.stjoseph@usdoj.gov)

Dated: November 24, 2017

# EXHIBIT A

Fill in this information to identify the case:

Debtor 1 STEVEN S. & DEBORAH M. BEBKO

Debtor 2

(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN

District of PENNSYLVANIA  
(State)

Case number 17-12728-AMC

## Official Form 410 Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

### Part 1: Identify the Claim

**1. Who is the current creditor?**

Department of the Treasury - Internal Revenue Service

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**

☒ No

☐ Yes. From whom?

**3. Where should notices and payments to the creditor be sent?**

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

**Where should notices to the creditor be sent?**

Internal Revenue Service

Name

P.O. Box 7346

Number Street

Philadelphia PA 19101-7346  
City State ZIP Code

Contact phone 1-800-973-0424

Contact email

Creditor Number: 13903586

Uniform claim identifier for electronic payments in chapter 13 (if you use one)

**Where should payments to the creditor be sent? (if different)**

Internal Revenue Service

Name

P.O. Box 7317

Number Street

Philadelphia PA 19101-7317  
City State ZIP Code

Contact phone 1-800-973-0424

Contact email

**4. Does this claim amend one already filed?**

☐ No

☒ Yes. Claim number on court claims registry (if known) 4

Filed on: 05/15/2017

MM / DD / YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**

☒ No

☐ Yes. Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor? ☐ No  
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: See Attachment

7. How much is the claim? \$ 85,232.87  
Does this amount include interest or other charges?  
☐ No  
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
  
Taxes \_\_\_\_\_

9. Is all or part of the claim secured? ☐ No  
☒ Yes. The claim is secured by a lien on property.  
**Nature of property:**  
☒ Real Estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim.  
☒ Motor Vehicle  
☒ Other. Describe: \*All of debtor(s) right, title and interest to property - 26 U.S.C. §6321.  
  
**Basis for perfection:** See Attachment  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
  
**Value of Property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ 27,230.00  
**Amount of the claim that is unsecured:** \$ 58,002.87 (The sum of the secured and unsecured amounts should match the amount in line 7.)  
  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
  
**Annual Interest Rate** (when case was filed) 4 %  
☐ Fixed  
☒ Variable

10. Is this claim based on a lease? ☒ No  
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff? ☐ No  
☒ Yes. Identify the property See Attachment

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

☐ No

☒ Yes. Check all that apply:

- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- ☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).
- ☐ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).
- ☒ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).
- ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).
- ☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ 40,373.77

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\*Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it.**  
**FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.**  
**18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

- ☒ I am the creditor.
- ☐ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 10/02/2017  
MM / DD / YYYY

/s/ VICTORIA MOSBY  
(Signature)

**Print the name of the person who is completing and signing this claim:**

Name VICTORIA MOSBY  
First name Middle name Last name

Title Bankruptcy Specialist

Company Internal Revenue Service  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 600 ARCH ST ROOM 5200  
Number Street

PHILADELPHIA PA 19106  
City State ZIP Code

Contact Phone (267) 941-6229 Email: \_\_\_\_\_

# Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service



Form 410  
Attachment

**In the Matter of:** STEVEN S. & DEBORAH M. BEBKO  
AKA SOLID SURFACE BY BEBKO  
115 E. WALNUT STREET  
EPHRATA, PA 17522

Case Number

17-12728-AMC

Type of Bankruptcy Case

CHAPTER 13

Date of Petition

04/19/2017

Amendment No. 3 to Proof of Claim dated 05/15/2017.

The United States has not identified a right of setoff or counterclaim. However, this determination is based on available data and is not intended to waive any right to setoff against this claim debts owed to this debtor by this or any other federal agency. All rights of setoff are preserved and will be asserted to the extent lawful.

Supersedes previous proofs of claim.

Supersedes previous proofs of claim.

## Secured Claims (Notices of Federal tax lien filed under internal revenue laws before petition date)

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Penalty to Petition Date	Interest to Petition Date	Notice of Tax Lien Filed: Date	Office Location
XXX-XX-0415	INCOME	12/31/2012	06/03/2013	\$7,789.85	\$2,105.76	\$1,343.22	02/02/2015	Lancaster Count
XXX-XX-8494	INCOME	12/31/2013	06/02/2014	\$15,991.17	\$0.00	\$0.00		
				\$23,781.02	\$2,105.76	\$1,343.22		

**Total Amount of Secured Claims:**

**\$27,230.00**

## Unsecured Priority Claims under section 507(a)(8) of the Bankruptcy Code

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Interest to Petition Date
XXX-XX-0415	INCOME	12/31/2014	06/08/2015	\$11,571.00	\$849.23
XXX-XX-0415	INCOME	12/31/2015	06/06/2016	\$10,188.00	\$419.59
XX-XXX3189	WT-FICA	06/30/2016	10/03/2016	\$0.00	\$0.17
XX-XXX3189	WT-FICA	09/30/2016	01/02/2017	\$663.43	\$12.47
XX-XXX3189	WT-FICA	12/31/2016	07/03/2017	\$0.00	\$2.87
XX-XXX3189	FUTA	12/31/2016	05/12/2017	\$0.00	\$0.18
XXX-XX-0415	INCOME	12/31/2016	06/05/2017	\$16,573.00	\$92.88
XX-XXX3189	WT-FICA	03/31/2017	07/10/2017	\$0.00	\$0.55
XX-XXX3189	WT-FICA	06/30/2017	10/09/2017	\$0.00	\$0.40
				\$38,995.43	\$1,378.34

**Total Amount of Unsecured Priority Claims:**

**\$40,373.77**

## Unsecured General Claims

Taxpayer ID Number	Kind of Tax	Tax Period	Date Tax Assessed	Tax Due	Interest to Petition Date
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# Proof of Claim for Internal Revenue Taxes



Form 410  
Attachment

Department of the Treasury/Internal Revenue Service

**In the Matter of:** STEVEN S. & DEBORAH M. BEBKO  
AKA SOLID SURFACE BY BEBKO  
115 E. WALNUT STREET  
EPHRATA, PA 17522

Case Number

17-12728-AMC

Type of Bankruptcy Case

CHAPTER 13

Date of Petition

04/19/2017

Amendment No. 3 to Proof of Claim dated 05/15/2017.

## Unsecured General Claims (Continued from Page 1)

<i>Taxpayer ID Number</i>	<i>Kind of Tax</i>	<i>Tax Period</i>	<i>Date Tax Assessed</i>	<i>Tax Due</i>	<i>Interest to Petition Date</i>
XXX-XX-0415	INCOME	12/31/2013	06/02/2014	\$7,863.83	\$2,531.44

Penalty to date of petition on unsecured priority claims (including interest thereon) . . . . . \$2,395.59

Penalty to date of petition on unsecured general claims (including interest thereon) . . . . . \$4,838.24

**Total Amount of Unsecured General Claims:                    \$17,629.10**



1872

COURT RECORDING DATA

INTERNAL REVENUE SERVICE FACSIMILE FEDERAL TAX LIEN DOCUMENT  BANKRUPTCY DOCKET: 17-12728-AMC	Lien Recorded : 02/02/2015 - 00:00AM Recording Number: 15-00865 UCC Number : Liber : Page :
Area: SMALL BUSINESS/SELF EMPLOYED #2 Lien Unit Phone: (800) 913-6050	IRS Serial Number: 140630815

This Lien Has Been Filed in Accordance with  
Internal Revenue Regulation 301.6323(f)-1.

Name of Taxpayer:

STEVE & DEBORAH BEBKO

Residence:

115 E WALNUT ST  
EPHRATA, PA 17522-2242

With respect to each assessment below, unless notice of lien  
is refiled by the date in column(e), this notice shall constitute  
the certificate of release of lien as defined in IRC 6325(a).

Form (a)	Period (b)	ID Number (c)	Assessed (d)	Refile Deadline (e)	Unpaid Balance (f)
1040	12/31/2008	XXX-XX-0415	03/09/2009	04/08/2019	
1040	12/31/2008	XXX-XX-0415	03/25/2013	04/24/2023	\$2,100.63
1040	12/31/2010	XXX-XX-0415	02/11/2013	03/13/2023	\$352.82
1040	12/31/2011	XXX-XX-0415	05/28/2012	06/27/2022	\$3,874.57
1040	12/31/2012	XXX-XX-0415	06/03/2013	07/03/2023	\$10,027.52
1040	12/31/2013	XXX-XX-0415	06/02/2014	07/02/2024	\$24,395.96

Filed at: Prothonotary Lancaster County Lancaster, PA 17602	Total	\$40,751.50
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This notice was prepared and executed at DETROIT, MI  
on this, the 23rd day of January, 2015.

Authorizing Official:  
ZACH BOWER

Title:  
REVENUE OFFICER  
22-08-1819